IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 2158 of 2003

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 04/04/2003 in WP NO : 25941 OF 1999 on the file of the High Court.)

Between:

1.The Visakha Port Workers Association (Regd.No.1690/98) rep.by its

General Secretary, T.Someswar Rao.
2.The Indian Federation of Port and Dock Workers (Regd.No.347/77) and

Visakha Port Trust Staff Association rep.by its General Secretary K.Prabhakar

Rao.

..... APPELLANTS

AND

1 The Ministry of Surface Transport, rep.by its Secretary to Government of

India and Labour Division, New Delhi.
2 Board of Trustees rep.by its Chairman, Visakha Port Trust, Visakhapatnam.
3 The Financial Adviser and C.A.O. Visakha Port Trust, Accounts Dept.

.....RESPONDENTS

Counsel for the Appellants: MR.C.V.NAGARJUNA REDDY

Counsel for the Respondent No.1: MS.K.M.J.D. SYAMA SUNDAR (ADDL. SC FOR CG)

Counsel for the Respondent Nos.2 & 3: MR.K.SRINIVASA MURTHY

The Court made the following:

JUDGMENT: (per SAR, J)

Writ petition was filed by the Visakha Port Workers Association and Indian Federation of Port and Dock Workers and Visakha Port Trust Staff Association praying for a Writ of Mandamus directing the 1st respondent to pay interim relief to the in service employees from 01.01.1986 to 30.12.1987 on par with the employees of Class III and Class IV who retired/expired or resigned, with retrospective effect from the date of the Court order passed by the Madras High Court in W.P.No.14528 of 1991 dated 27.08.1996.

According to the appellants, the interim relief granted during the pendency of the wage settlement was counted for the terminal benefits with reference to the persons who retired/expired or resigned prior to 14.06.1989, while for the persons who continued in service beyond the said date the revised pay scales as per the settlement were implemented. But, the interim relief granted was not added to the revised scales. Therefore, they sought for an appropriate direction.

The learned single Judge who heard the writ petition had considered the contentions and found that the said interim relief was confined only to the employees of the respondents who retired prior to the cut off date i.e., 14.06.1989 and who did not get the benefit of revised scales as per the wage settlement, and in respect of the members of

the petitioner-Association who were in service as on the cut off date and continued beyond the cut off date for whom the revised scales were implemented as per the wage settlement, the interim relief originally granted prior to the cut off date or prior to the implementation of the revised scales gets absorbed in the final revised scales of pay. Therefore, they are not entitled for separate addition of the interim relief in addition to the revised pay scales applied as per the wage settlement as the interim relief has already been merged in the revised scales of pay arrived at as per the wage settlement. Therefore, the writ petition was dismissed. Aggrieved by that, the writ petitioners have come up in this appeal.

The learned counsel for the appellants referring to the terms of the settlement and referring to paras 6.2 and 9.1 reiterated the contentions that the interim relief granted from 01.01.1986 was not added to the revised scales of pay arrived at as per the settlement and the omission to add the interim relief is illegal though the members of the appellants Association are entitled to.

We have heard the learned counsel for the appellants and also considered the terms of the settlement and also the scales of pay referred to by the learned counsel at page 36 of the material papers.

The learned counsel for the respondents supported the order of the learned single Judge.

As rightly pointed out by the learned counsel for the respondents that as the interim relief has already merged into the revised scales of pay, the members of the appellants Association who have continued after the cut off date and had the benefit of the revised scales of pay as per the wage settlement, are not entitled to separate addition of interim relief to their scales of pay which was not even provided to in the wage settlement. The said view taken by the learned single Judge is supported by the Apex Court in **Shiba Kumar Dutta and others v Union of India and others**.

Under the above circumstances, we do not find any merit in the Writ

Appeal. Accordingly, the writ appeal is dismissed. No costs.

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T.MEENA KUMARI, J

31st January, 2005

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S.ANANDA REDDY, J

VGB

To

1 The Secretary, Ministry of Surface Transport, Government of

India and Labour Division, New Delhi.
2 The Chairman, Board of Trustees, Visakha Port Trust, Visakhapatnam.
3 The Financial Adviser and C.A.O., Visakha Port Trust, Accounts Dept.

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